

Message Text

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ACTION L-03

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TAGS: UNGA, PINS

SUBJECT: UNGA-LEGAL COMMITTEE-PROTECTION OF DIPLOMATS

REF: USUN 3675

1. LEGAL COMITE DISCUSSION OF ARTICLE 1 OF CONVENTION ON
PROTECTION OF DIPLOMATS FOCUSSED OCT 8. PRINCIPALLY UPON AMENDMENTS
PROPOSED BY UK, SPAIN AND USSR.

2. UK AMENDMENTS TO ARTICLE 1(1) (B) (TRANSMITTED USUN 3581)
(A/C.6/L.902) IN FAVOR OF UK
AMENDMENT TO PARAGRAPH 1(B) OF ARTICLE 1 WHICH WOULD ADD
AFTER WORD "ENTITLED", "AT THE TIME WHEN AND IN THE PLACE
WHERE A CRIME AGAINST HIM OR HIS PREMISES IS COMMITTED"
WERE JAMAICA, GREECE, CYPRUS, NIGERIA. YUGOSLAVIA, BRAZIL,
BYELORUSSIA, GHANA, UKRAINE, PHILIPPINES THAUGHT
AMENDMENT UNNEXESSARY. ISRAEL THOUGHT AMENDMENT WOULD
CREATE DIFFICULTIES IN APPLICATION OF CONVENTION, E.G. WHEN
LETTER BOMB MAILED FROM ONE COUNTRY TO ANOTHER. IN FAVOR
OF UK PROPOSAL TO DELETE THE
WORDS" " GENERAL INTERNATIONAL LAW" WERE JAMICA, ISRAEL AND
NIGERIA. THOSE OPPOSED WERE BRAZIL, GREECE, BULGARIA,
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PHILIPPINES, CYPRUS, GHANA AND UKRAINE. MANY SUPPORTED YASSEEN'S

VIEW (PARA 4 OF REFTTEL.) UK AMENDMENT TO PARAGRAPH 1(B) OF ARTICLE 1 TO SUBSTITUTE "TO SPECIAL PROTECTION FROM ANY ATTACK ON HIS PERSON, FREEDOM OR DIGNITY" AND DELETE "TO SPECIAL PROTECTION FOR OR BECAUSE OF THE PERFORMANCE OF FUNCTIONS ON BEHALF OF HIS STATE 94 8,534,-589,-) ORGANIZATION" WAS SUPPORTED BY JAMAICA, BRAZIL ISRAEL, GREECE, GHANA, CYPRUS AND NIGERIA, AND OPPOSED BY YUGOSLAVIA, JAPAN, PHILIPPINES AND UKRAINE.

3. SPANISH AMENDMENTS TO ARTICLE 1 (A/C . 6/L. 903)
(TRANSMITTED SEPTTEL) SPAIN RECEIVED SUPPORT TO INSERT IN PARAGRAPH 1(A) THE WORDS "OR A MINISTER FOR FOREIGN AFFAIRS" AFTER THE WORDS "HEAD OF GOVERNMENT" FROM JAMICA, GREECE AND PHILIPPINES, WHILE ISRAEL AND JAPAN STATED ACCEPTANCE POSSIBLE IN NECESSARY. PAKISTAN, NIGERIA AND GHANA EXPRESSED OPINION THAT SPANISH AMENDMENT WAS UNNECESSARY SINCE COVERAGE ALREADY EXTENDED UNDER SUBPARAGRAPH (B) SPAIN'S PROPOSAL TO REPLACE SUBPARAGRAPH 1(B) BY 2 SUB-PARAGRAPHS THUS DISTINGUISHING BETWEEN PROTECTION EXTENDED TO OFFICIALS OF A STATE OF OFFICIALS OF AN INTERNATIONAL ORGANIZATION RECEIVED SOME SUPPORT ONLY FROM USSR, JAMICA, BULGARIA AND PHILIPPINES.

4. SOVIET AMENDMENT TO ARTICLE 1. (A/C.6/L.905) USSR PROPOSED INSERTING IN SUBPARAGRAPH 1(A) OF ARTICLE 1 AFTER THE WORDS "A HEAD OF STATE" THE WORDS "INCLUDING ANY MEMBER OF A COLLECTIVE BODY PERFORMING THE FUNCTIONS OF A HEAD OF STATE." THOSE FAVORING THE AMENDMENT WERE JAMICA, GDR, PAKISTAN, BULGARIA, BYELORUSSIA, PHILIPPINES, CUPRUS, GHANA, UKRAINE, WHILE NIGERIAN AND JAPAN WERE NOT OPPOSED BUT CONSIDERED PROVISION UNNECESSARY.

5. OTHER AMENDMENTSM CYPRUS PROPOSED SUBAMENDMENT TO SOVIET AMENDMENT TO ADD AFTER "PERFORMING " THE WORDS: " UNDER THE RESPECTIVE CONSTITUTION" (A/C.6/L.906)
(ADDITIONAL CYPRUS SUBAMENDMENT CONTAINED IN A/C .6/L.908).
ARTENTIAN PROPOSED THE FOLLOWING AMENDMENT TO ARTICLE 1(2): "ALLEGED OFFENDER " MEANS A PERSON AS TO WHOM THERE IS SUFFICIENT EVIDENCE TO DETERMINE
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PRIMA FACIE THAT HE HAS COMMITTED OR PARTICIPATED IN ONE OR MORE OF THE CRIMES SET FORTH ARTICLE 2" (A/C.6/.909)
FRG PROPOSED DELETION FROM PHRASE IN PARA 1(B)
" AS WELL AS MEMBERS OF HIS FAMILY WHO ARE LIKEWISE ENTITLED TO SPECIAL PROTECTION" BE DELETED. FRENCH PROPOSED NEW VERSION OF PARA 1(B) : "ANY PERSONE WHO IS ENTITLED, AT THE THME WHEN AND PLACE WHERE ON OF THE CRIMES SET FORTH IN ARTICLE 2, TO IMMUNITY FROM

JURISDICTION FOR ACTS PERFORMED IN THE EXERCISE OF THIS FUNCTIONS". SWISS REP EXPRESSED PREFERENCE FOR CRITERIA OF "PERSONAL INVIOABILITY" RATHER THEN "IMMUNITY FROM JURISDICTION" OR "SPECIAL PROTECTION" OF ILC DRAFT.

6. FOLLOWING SUGGESTION GONZALEZ GALVEZ, SPONSORS OF AMENDMENT TO ILC DRAFT ARTICLE 1 MET PRIOR TO SIXTH COMMITTEE AFTERNOON SESSION TO ATEMPT RECONCILIATION OF DIFFERENCES. FOLLOWING RESULTS WERE SUMMARIZED BY UK: (A) INSUFFICIENT TIME TO REACH AGREEMENT ON SOVIET AMENDMENT; (B) AGREEMENT TO RETAIN SUBSTANCE OF SPANISH PROPOSAL TO INCLUDE "FOREIGN MINISTERS" SINCE ALL AGREED FOREIGN MINISTERS IMPLICITLY COVERED UNDER PARAGRAPH 1(B) IN ANY EVENT; (C) RECOMMEND THAT DRAFTING COMMITTEE CONSIDER UK AMENDMENT TO INCLUDE IN PARA 1(B) "AT TIME WHEN AND AT PLACE WHERE "; (D) AGREEMENT TO ACCEPT TERM "INTERNATIONAL LAW"; (E) MOVEMENT IN DIRECTION OF ACCEPTING UK PROPOSAL TO CLARIFY "SPECIAL PROTECTION" IN PARAGRAPH 1(B) : AND (F) SUBSTITUE "WHO ARE MEMBERS OF HIS HOUSEHOLD" FOR PHRASE "WHO ARE LIKEWISE ENTITLED TO SPECIAL PROTECTION" IN PARA 1(B).

7. DURING DEBATE OF ARTICLE 1, YUGOSLAVIA, GABON, BRAZIL, USSR AND BYELORUSSIA EXPRESSED GENERAL APPROVAL WITH ILC DRAFTS AND DESIRABILITY OF MINIMIZING AMOUNT OF AMENDMENTS TO ILC DRAFT ARTICLES. BRAZIL AGREED WITH FRENCH DELEGATION THAT SOLUTION TO PROBLEM OF PROTECTION OF DIPLOMATIC AGENTS SHOULD BE SOUGHT WITHIN BROADER FRAMEWORK OF INTERNATIONAL COOPERATION AGAINST TERRORISM, BUT AGREED TO WORK ON CPD AS FIRST STEP.

8. CHAIRMAN ASKED WORKING GROUP TO CONTINUE CONSULTATIONS AFTER UNCLASSIFIED

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ADJOURNEMENT SIXTH COMMITTEE IN ORDER TO ARRIVE AT AGREEMENT ON ARTICLE 1 WHICH WOULD BE SUBMITTED TO DRAFTING COMMITTEE MORNING OCT 9 BUT MEETING DID NOT MATERIALIZE. DRAFTING COMMITTEE WILL THUS PROBABLY MERELY ORGANIZE ITS WORK OCT 9. SIXTH COMMITTEE WILL PROBABLY BEGIN DISCUSSION ON ARTICLE 2 AFTERNOON OCT 9.

(ZEMANEK (AUSTRIA) ARGUED THAT DRAFTING COMMITTEE COULD ONLY "DRAFT " AND NOT " NEGOTIATE" AND THAT ARTICLE 1 WAS NOT READY TO GOT DRAFTING COMMITTEE YET.

9. BELGIUM AMENDMENT TO ARTICLE 2 (A/C6/L.904) TRANSMITTED SEPTEL) CIRCULATED IN SIXTH COMMITTEE OCT 8 (PER PARA 4 OR USUN 3673). USSR CIRCULATED AMENDMENTS

TO ARTICLES 2, 3, 5, 9,
AND 12 (A/C.6/L.906) TRANSMITTED SEPTEL). CZECH
AMENDMENTS TO ARTICLES 3,5, AND 12
(A/C.6/L.910) ALSO TRANSMITTED SEPTEL.
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Disposition Event:
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